

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**January 7, 2002**

**12:15 p.m.**

**The Council of the City of Roanoke met in regular session on Monday, January 7, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members William H. Carder, William White, Sr., W. Alvin Hudson, Jr., William D. Bestpitch, Linda F. Wyatt, and Mayor Ralph K. Smith-----6.**

**ABSENT: Council Member C. Nelson Harris-----1.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**WATER RESOURCES: The City Manager called attention to measures which were taken last week to initiate voluntary water conservation in the City of Roanoke; whereupon, she called upon Michael McEvoy , Director of Utilities, to review water issue activities.**

**Mr. McEvoy advised that as of January 7, 2001, Carvins Cove is 18.7 feet below the spillway which is about 3.5 feet below what is typically experienced in January, and Carvins Cove is about 2½ feet above its level during the 1999 drought. He stated that Carvins Cove operates solely on rainfall and snowfall; the treatment plant is currently producing approximately 14 million gallons of water per day and a typical annual average is 15 to 15.5. He explained that rainfall is down and in 2001, the area received approximately 60 per cent of what it would have received on an annual average; and since October 2000, the level is more than 22" below normal, with Roanoke experiencing moderate drought conditions. He added that on January 3, the City issued a press release calling for voluntary water conservation; voluntary water conservation is the first phase in the water management plan; if the situation continues, at 22 feet it is proposed that the City will go to a partial restriction where no outdoor watering will be allowed between the hours of 10:00 a.m., and 7:00 p.m.,**

which is the biggest evaporation period; and the City is also looking at suspending the sewer exemption credit program. He stated that if the City goes to full restriction at 26 feet, it would then begin purchasing water from surrounding localities and the two tier conservation rate providing for billing at a higher water rate will go into effect, thereby providing economic incentives for citizens to conserve water and to recover the costs of purchasing water, both of which require action by Council.

In regard to infrastructure, he advised that the Crystal Spring Plant is under construction, with an expected completion date of December 2002. He stated that discussions have taken place with Health Department officials with regard to placing Crystal Spring back on line in the event that the drought continues.

Mr. McEvoy presented an update on the ground water development program which was initiated after the 1999 drought when wells were drilled at various locations throughout the City, with mixed results. He noted that the wells at the Carvins Cove Filter Plant are somewhat productive, generating between 200,000 - 300,000 gallons per day; a fairly successful well was drilled near Mill Mountain in the vicinity of an old landfill site, however, there were concerns about the well being put into production, and it was later abandoned; there was a fairly productive well at the Muse Springs site located on the corner of Bennington Street and Riverland Road which appears to be productive, however, issues have arisen and the City is currently leasing the water from Muse Spring to the Fred Whittaker Company, and if the well becomes operational, it could impact the Muse Spring water. In addition, he stated that the well at Muse Spring is in the path of I-73, therefore, the site has certain construction issues. He stated that management issues are being addressed through public education items, the City's annual calendar, the Citizen Magazine, spots on RVTV Channel 3 Inside Roanoke, messages on water bills, public service announcements, updates on the City's Web site, all of which are intended to provide additional water conservation information.

He called attention to discussions with Roanoke County regarding cooperative efforts; i.e.: the 1999 water contract which allows a level of water sharing through a trading of water concept, thus allowing maximization of the infrastructure. He called attention to discussions with his counterpart in Roanoke County, along with the City Manager with her counterpart in Roanoke County, on the concept of a regional water authority; and the City Manager has charged him with the responsibility of discussing issues and benefits with the County's Utility Director to determine necessary actions for the two existing budgets to be combined into one authority, would other jurisdictions in the area be interested in participating in a water authority, etc., and it is in the best interest of the citizens in the long term if certain immediate short term issues can be resolved.

He stated that the City is not in a crisis situation as yet, the City is in the first stage of the water conservation plan and trying to heighten awareness by encouraging citizens to begin thinking about their water usage. He further stated that this is the best time of the year to fill Carvins Cove; typically, the Cove fills in the late winter/early spring; and historically, there are 50+ years of operation at Carvins Cove, with Carvins Cove having experienced only two significant droughts, the 1999 drought being the most significant, therefore, the odds are in the City's favor. He advised that the National Weather Service is reporting average to dry conditions over the next 90 days and there is a good chance of getting an average rainfall and replenishing Carvins Cove.

Mr. McEvoy explained that during the upcoming weeks, a public education campaign will continue; if the City is required to go to mandatory water restrictions, the necessary documents will be prepared for action by Council; and City officials will continue to work with the Health Department regarding the reactivation of the Crystal Spring water supply, while continuing to investigate other resources for increasing the City's water supply.

There was discussion with regard to the condition of the City's water lines; actions as a result of the 1999 drought in regard to a water contract with Roanoke County; the status of wells that were authorized in 1999; a recent newspaper article that Roanoke County may not have sufficient water to sell the City; a regional water authority; placing the Crystal Spring Filter Plant back in operation as soon as possible; significant problems which are being experienced by much of the southeastern part of the United States, with lower than average rainfall in recent times, and regardless of the types of agreements that are currently in place, if the water is not available, it cannot be shared; a method of injecting a synthetic material inside the water main that adheres to the inside of the pipe and allows at least another 50 years of use, which could provide a more economical approach to replacing pipes; and another technology that pulls a cutter head which destroys the old pipe while pulling in new pipe.

With regard to a regional water authority, the City Manager advised that the Mayor and the City Manager have met on a monthly basis with their counterparts in Roanoke County to discuss, among other things, the issue of a regional water and perhaps sewer authority, with direction to City and County staffs to initiate the detailed work that is necessary to move the localities toward a regional authority. She stated that the movement to an authority can be compared to a second marriage where there are "yours, mine and our children", where certain things are brought to the table and certain new things happen as a result of the union. She added that this

is the kind of approach that the localities will have to use in order to accomplish what appears to be in the best interest of the citizens, because each locality brings something different to the table and each locality has a different investment in its respective water system. She further stated that it is also clear that the City, while it has the cheapest water rates in the state, should spend more money on its infrastructure, lines need to be repaired and replaced, and because of other priorities, a master utility plan has not been prepared for the City, in order to plan for repairs and improvements, as opposed to participating in a kind of preventative maintenance or repair mode. She explained that the City has recently commissioned an organization to submit a recommendation for a multi year, multi phased program. She called attention to areas of the City where water pressure is a problem because housing units have changed over time, therefore, infrastructure responsibilities will exist in a regional system. She advised of the necessity to study additional water resources for the future and that the localities should not be content with the resources that each bring to the table. She stated that moving to a water authority will not occur over night and it is anticipated that there will be a need to engage an independent consultant to review issues such as rate setting, among other things. She added that Council has set the stage for water conservation through approval of a recommendation during the latter part of last year with regard to a water rate increase system that stresses conservation, the kinds of messages that are being sent regarding what Roanoke wants to do as a community in order to become more environmentally sensitive, and to encourage citizens to appreciate, preserve and protect current resources. She assured the Members of Council that the water issue will be a priority for her administration while, at the same time, managing water resources in a prudent manner on a daily basis. She reiterated that the City is not in a crisis mode at the present time, but the City is being a good steward by initiating an awareness of the circumstances and planning for the future.

Ms. Wyatt raised the following questions for response by the City Manager at a later date:

What will be the overall cost to upgrade the City's water system? What will be the rate/billing impact on the average daily City water customer?

If a water authority is established, what overall costs will be passed on to the City relative to the Spring Hollow Reservoir? How much will the average City water bill increase?

In the interim, using the City's current water system, what will be the cost to the City to purchase water? What will be the rate/billing impact on the average daily City water customer?

**If a water authority is established, how will the cost for the Spring Hollow Reservoir be addressed? Will a portion of the costs to upgrade the City's water system be included in the budget of the water authority, or will the water authority fund improvements? What will be the overall cost to the City and to the average City water customer? What will be the cost to establish and maintain a water authority? Will there be cost savings? Will there be fewer personnel if the two water systems are combined, or will there be another level of bureaucracy to be funded?**

**If a water authority is established, what will be the status of the long term contract with Roanoke County for the purchase of water?**

**Why were wells drilled in certain areas where it was anticipated that potential problems could exist?**

**In addressing a regional water authority, Ms. Wyatt requested that the City Manager make a concerted effort to keep citizens adequately informed.**

**Mr. McEvoy responded that a document could be provided within 60 - 90 days which will address the questions raised by Ms. Wyatt.**

**Mr. McEvoy was requested to summarize the progress of the long range water supply committee which is staffed by the Roanoke Valley-Allegheny Commission; whereupon, he advised that the committee is composed of elected representatives from jurisdictions within the Fifth Planning District; however, because of funding issues, a regional water study which was proposed by the committee has not been prepared. He added that a request for state funds and funding by local businesses was denied:**

**Mr. McEvoy was requested to provide an update on the Falling Creek water supply; whereupon, he advised that Falling Creek is a little below normal for this time of year; Falling Creek does not supply a large amount of water, with a yield of 0.8 to 1 million gallons per day, and Falling Creek is a small facility that helps to serve the eastern service boundary, but does not have a major impact on the City's total water consumption.**

**The Mayor requested information on the number of gallons of water required to fill Carvins Cove, how many millions of gallons of water currently exist in Carvins Cove, and the status of the Spring Hollow Reservoir.**

**In regard to the use of wells, Mr. McEvoy advised that the City does not use a large amount of well water; two wells are in operation at the Carvins Cove Filter Plant that go through the treatment process and provide approximately 200,000 - 300,000**

**gallons of water per day which is a small amount compared with the 14 million gallons per day produced at Carvins Cove. Other than the two wells at Carvins Cove, he stated that the City does not use wells for potable water consumption within the City limits, some businesses use wells that were drilled after the 1999 drought and a percentage of customers in the northeast section of the City rely on wells for their water consumption.**

**The Mayor requested that all significant potable sources of water for the Roanoke Valley be provided in written format.**

**The City Manager advised that it is important to stress that the City is engaging in pre planning, looking ahead and to the extent possible, averting any unusual and extraordinary conditions, and citizens are requested to help by conserving water. She assured the community that the City will be as open and as public as possible in the sharing of information; and the City will provide tips on how to conserve water by inviting school age children and the adult community to offer suggestions as a community project. She stated that everyone will work together to find solutions to the water situation, water issues are not unique to Roanoke and to the Roanoke Valley, but it is an issue that will be with the Roanoke Valley for many years to come as we work toward getting through the winter season and discussions regarding a regional authority. She further stated that citizens will have to be vigilant in the future, better conservators of water and look for new water resources, and she pledged to work toward meaningful solutions that will be acceptable to the community, with water issues to be discussed on a regular basis in the future.**

**COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.**

**Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. White and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**COUNCIL:** A communication from Council Member C. Nelson Harris, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss a matter with regard to the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

**Mr. White moved that Council concur in the request of the Chair of City Council's Personnel Committee to convene in a Closed Meeting to discuss a matter with regard to the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES:** Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

**NAYS:** None-----0.

**(Council Member Harris was absent.)**

**At 1:20 p.m., the Mayor declared the meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber.**

**At 2:00 p.m., on Monday, January 7, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.**

**PRESENT:** Council Members William H. Carder, William White, Sr., W. Alvin Hudson, Jr., William D. Bestpitch, Linda F. Wyatt and Mayor Ralph K. Smith---  
-----6.

**ABSENT:** Council Member C. Nelson Harris-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

**The reconvened meeting was opened with a prayer by The Reverend Pamela P. Crump, Director of Christian Education, High Street Baptist Church.**

**The Pledge of Allegiance to the Flag of the United States of America was led**

by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGEMENTS: None.**

**CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the regular meeting of Council held on Monday, November 5, 2001, were before the body.

Mr. Bestpitch moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Harris was absent.)

**PURCHASE/SALE OF PROPERTY-CITY PROPERTY-FLOOD REDUCTION/CONTROL:** A communication from the City Manager advising that pursuant to the requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on the proposed conveyance of property rights; whereupon, the City Manager requested that a public hearing be advertised for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with the Roanoke River Flood Reduction Project - subdivision and conveyance of property rights, was before Council.

Mr. Bestpitch moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.



**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**NEWSPAPERS-LEASES-AIR RIGHTS:** A communication from the City Manager advising that pursuant to the requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on the proposed conveyance or lease of property rights; whereupon, the City Manager requested that a public hearing be advertised for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a request of the Times-World Corporation for the lease of air rights over Second Street, S. W., was before Council.

**Mr. Bestpitch moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**COMMONWEALTH OF VIRGINIA BUILDING-BUILDINGS/BUILDING DEPARTMENT-LEASES:** A communication from the City Manager advising that the General Services Administration (GSA) of the Federal Government currently leases space within the Commonwealth Building; the GSA uses the second floor of the building for the Federal Bankruptcy Court and its affiliated offices; the lease also includes one office on the first floor; and the current lease expires on January 31, 2002, the GSA is interested in extending the current lease for one year, pursuant to the terms of the current lease, which is \$6.50 per square foot, plus \$3.93 per square foot for operating costs (increased annually based on consumer price index), with an annual rent amount of \$129,549.60, was before Council.

**The City Manager requested that a public hearing be advertised for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard in connection with extension of a lease agreement with the General Services Administration for space within the Commonwealth Building.**

**Mr. Bestpitch moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**TRAFFIC-COMMITTEES-TOWING CONTRACT: A communication from Sergeant C. A. Karr tendering his resignation as a member of the Towing Advisory Board, effective September 18, 2001, was before Council.**

**Mr. Bestpitch moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**HUMAN DEVELOPMENT-ROANOKE ARTS COMMISSION-ARCHITECTURAL REVIEW BOARD-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:**

**James Schlueter as a member of the Architectural Review Board for a term ending October 1, 2005;**

**Robert Humphreys as a member of the Roanoke Arts Commission for a term ending June 30, 2004; and**

**Cheri W. Hartman as a member of the Advisory Board of Human Development for a term ending November 30, 2005.**

**Mr. Bestpitch moved that the report of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**REGULAR AGENDA**

**PUBLIC HEARINGS: None.**

**PETITIONS AND COMMUNICATIONS: None.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: None.**

**ITEMS RECOMMENDED FOR ACTION:**

**ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the City's current agreement for provision of ticketing services at the Roanoke Civic Center will expire on February 2, 2002; the City wishes to enter into a contractual agreement with a ticket service provider for computerized ticketing services for the City's Civic Facilities; although the sealed bid method of procurement would normally be used, it is not practicable and/or fiscally advantageous to the public in this case; experience, qualifications, and ability to provide services required are of equal, if not greater, importance than the cost; issues of technology, computer hardware and software, ticket outlet network, telephone sales network, and credit card capability are of significant importance to a successful ticketing operation; additional issues, other than price, include equipment installation, maintenance and repair, employee training, customer responsiveness, and accounting procedures; therefore, the process of competitive negotiation, using the request for proposal process has been identified as the best method for procurement of said services.**

**It was further advised that the Code of the City of Roanoke provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation"; prior approval by Council is necessary before the alternate method may be used; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.**

**The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure a ticket service provider at City Civic Facilities.**

**Mr. Bestpitch offered the following resolution:**

**(#35699-010702) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of a ticket service provider to provide computerized ticketing and related services for the City's Civic Facilities; and documenting the basis for this determination.**

**(For full text of Resolution, see Resolution Book No. 65, page 341.)**

**Mr. Bestpitch moved the adoption of Resolution No. 35699-010702. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**Following discussion, the Mayor requested a list of potential vendors.**

**In negotiating a new contract, Ms. Wyatt requested that the City Manager stress the importance of delivering tickets in a timely manner.**

**BUDGET-NEIGHBORHOOD ORGANIZATIONS-GRANTS: The City Manager submitted a communication advising that the Derelict Structures Fund (DSF) is a program funded by the General Assembly to assist with removal or renovation of badly deteriorated properties; the Virginia Department of Housing and Community Development (DHCD) solicited proposals for the program in the year 2000; on August 7, 2000, Council authorized the City Manager to submit a funding proposal to DHCD for \$100,000.00, authorized execution of any and all requisite documents accepting the grant; and further authorized execution of agreements with Two B Investments and the Northwest Neighborhood Environmental Organization (NNEO) for the renovation of:**

**113 Norfolk Avenue, S. W., on Warehouse Row. The Warehouse is being renovated by Two B Investments (Bruce Brenner) for use as high-**

tech offices.

525, 526 and 532 Loudon Avenue, N. W., are in the Gilmer neighborhood. These properties are being renovated by NNEO for residential use.

It was further advised that a grant agreement accepting the funds with DHCD was executed on May 29, 2001, which agreement committed the funds for use exclusively with the Warehouse Row and 500 block of Loudon Avenue, as proposed; total amount to be provided from the Derelict Structures Fund for the Warehouse Row project is \$50,000.00 and will be in the form of a 0% loan, to be repaid to the City at a rate of \$10,000.00 per year, beginning one year after completion of shell renovations; total amount to be provided from the Derelict Structures Fund for the 500 block of Loudon Avenue is a \$50,000.00 grant; and once the projects are completed as proposed, the City will be reimbursed by DHCD in the amount of \$100,000.00.

The City Manager recommended that Council appropriate \$100,000.00 to an account in the Grant Fund to be established by the Director of Finance, and establish an account receivable and revenue estimate in the same amount.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35700-010702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 342.)

Mr. Bestpitch moved the adoption of Ordinance No. 35700-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**BUDGET-COMMUNITY PLANNING-CONSULTANTS REPORTS:** The City Manager submitted a communication advising that as recommended in *Vision 2001-2020*, the City's Comprehensive Plan, City staff has encouraged and considered new development opportunities that are consistent with the Comprehensive Plan, especially with respect to new housing and village centers; in an effort to move

forward in considering new projects, additional technical planning and architectural assistance is needed to master plan potential development sites and to help evaluate proposed projects; and many urban cities have similar contracts with consultants to assist in the preliminary design and review of development proposals.

It was further advised that recently, the City requested proposals from architectural and planning firms to provide urban design and master planning services for miscellaneous projects to be determined by the City; proposals were received, firms were interviewed, and consultant selection has been completed; contracts are to be awarded to RTKL Associates, Inc. (Washington, D. C.) and to The Lawrence Group (Davidson, North Carolina), for one year, with an option to renew for a second year; current contract does not exceed \$75,000.00 and additional funds will have to be appropriated for the second year; funding in the amount of \$75,000.00 is available in the "Capital Projects Fund" account "Environmental Issues"; and approval by Council is required to appropriate funds from a capital to a new capital account for professional services.

The City Manager recommended that Council appropriate \$75,000.00 from Account No. 008-052-9670, Environmental Issues, to a new capital project account to be established for the purpose of urban design and master planning services.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35701-010702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 343.)

Mr. Bestpitch moved the adoption of Ordinance No. 35701-010702. The motion was seconded by Mr. Carder.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired if \$75,000.00 is to be used for a comprehensive plan for the southeast quadrant of the City, or if the \$75,000.00 can be used in any part of the City for any type of improvement or enhancement project.

The City Manager responded that the contract under discussion for master planning and design services was specifically approved by Council several months ago, thus enabling City staff to request proposals for assistance in reviewing specific areas of the City and specific parcels of land owned by the City for future development, in order to improve the City's housing stock. She asked that the matter not be confused with any other activity that has been advertised for proposals. She

stated that City resources, particularly HUD funds, along with Design Competition, the Roanoke Housing Network, and the Christmas In April project, are targeted for the southeast Roanoke project.

Ordinance No. 35701-010702 was adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

For discussion during fiscal year 2002-03 budget study, Council Member Wyatt requested a report on the number of consultants presently under contract by the City, the dollar amount of each contract, and the percentage of the City's budget which is devoted to consulting fees.

**DIRECTOR OF FINANCE:**

**DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS:** The Director of Finance submitted the Financial Report for the City of Roanoke for the month of November, 2001.

Without objection by Council, the Mayor advised that the financial report would be received and filed.

**CITY EMPLOYEES-PENSIONS:** The Director of Finance submitted a written report advising that the provisions of Article III, Employee Supplemental Retirement System, City of Roanoke Pension Plan, currently contain outdated language related to optional forms of benefit payments under terms of the Plan; specifically, existing optional forms of benefits provide for recalculation of a joint and survivor distribution option in the event the spouse were to pre-decease the retiree; however, the Plan does not address the instance of a final divorce decree; therefore, if a retiree who originally elected a joint and survivor annuity form of payment subsequently divorces, there is no provision to "credit" the retiree for the reduced benefit amount originally selected, even though the final divorce decree releases the retiree (and Pension Plan) from any liability associated with the ex-spouse's entitlement to any portion of the retiree payments.

It was further advised that many retirement plans have modernized provisions in recent years to reflect current lifestyles; the more modernized language recognizes that a retiree may originally elect a joint and survivor form of benefit to provide for his/her spouse; then, subsequently become divorced from his/her

spouse; currently, Plan provisions require that the retiree continue to receive the reduced monthly amount even though the divorce decree nullifies a pension benefit to the ex-spouse; and the retiree is barred by City Code from changing his/her original distribution election since the Plan provides that such change may only be made in the event of death of the spouse (not recognizing divorce).

The Director of Finance recommended that a provision be added to the Employee Supplemental Retirement System that will allow retired members who have elected to receive an optional benefit to revoke such election; and to receive from the date of the divorce decree the retirement allowance to which they would have been entitled had no option been elected initially and the divorce decree releases the employer from provision of the retirement benefit. He advised that this election could be made in the event (a) the original survivor had died; and (b) a final decree of divorce with the retired member from the original survivor has been entered.

Mr. Bestpitch offered the following emergency ordinance:

(#35702-010702) AN ORDINANCE amending and reordaining §22.1-49Optional spousal allowance, of Chapter 22. Pensions and Retirement, of the Code of the City of Roanoke (1979), as amended, for the purpose of allowing restoration, under certain terms and conditions, of a retired member's allowance to an amount that would have been paid to the member had no spousal allowance been elected, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 344.)

Mr. Bestpitch moved the adoption of Ordinance No. 35702-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**INSURANCE-BUDGET:** The Director of Finance submitted a written report advising that Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that, at the conclusion of each fiscal year, \$250,000.00, to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; the



maximum balance of the reserve is three per cent of total General Fund appropriations for the concluded fiscal year; and as such, at June 30, 2001, \$250,000.00 was reserved in the General Fund for self-insured liabilities.

The Director of Finance recommended that Council adopt a budget ordinance appropriating the \$250,000.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund where the remaining self-insurance reserve exists; establishing a revenue estimate in the Risk Management Fund and increasing the Reserve for Self-Insured Liabilities.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35703-010702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Risk Management Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 347.)

Mr. Bestpitch moved the adoption of Ordinance No. 35703-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**LEASES-EQUIPMENT:** The Director of Finance and the City Manager submitted a joint written report advising that Council adopted Resolution No. 35193 on February 5, 2001, authorizing execution of a Lease Purchase Agreement with SunTrust Leasing Corporation, and any other required documents related to the Lease Purchase Agreement; a 'related document' was the Escrow Agreement entered into as of January 15, 2001, among the City of Roanoke, SunTrust Bank, and SunTrust Leasing Corporation; Article III, Section 3.4 of the Escrow Agreement, *Transfers Upon Completion*, essentially required the City to disburse all equipment acquisition funds by January 14, 2002, or return said funds to SunTrust Leasing Corporation as a prepayment of principal under the lease; the City needs an extension of the required disbursement date in order to finalize disbursement of funds under the lease, which extension is necessitated by several factors: the largest portion, \$1,353,000.00, of the \$2,503,000.00 of lease proceeds was dedicated to fleet replacement; and many of the items selected for funding through the capital lease are large equipment items that require significant lead-time when ordering and placing into use; therefore, approximately \$442,000.00 of fleet funds are encumbered at this time awaiting

delivery of equipment.

It was further advised that another factor impacting the need for an extension is reallocation of approximately \$217,000.00 of proceeds originally planned for new equipment for the police building toward other projects identified in the City's Capital Maintenance and Equipment Replacement Program (CMERP), which was accomplished by action of Council on September 4, 2001, and was made possible by the fact that the police building equipment was purchased at an amount less than the estimated budget; because other priority items have been identified to reallocate the proceeds, the City needs additional time to acquire the items; extending the scheduled disbursement date will enable the City to maximize its use of lease financing as originally planned, as opposed to prepaying lease principal; the City will continue to earn interest earnings on lease proceeds not yet disbursed; and Suntrust Leasing Corporation agrees to the extension.

The Director of Finance and the City Manager recommended that Council adopt a resolution authorizing execution of the Lease Purchase Amendment with SunTrust Leasing Corporation extending the period of disbursement of funds under the lease to July 14, 2002.

Mr. Bestpitch offered the following resolution:

(#35704-010702) A RESOLUTION authorizing execution of an Amendment of Lease Documents with respect to the Escrow Agreement, dated January 15, 2001, entered into in connection with an Equipment Lease Purchase Agreement, under the same date, between Suntrust Leasing Corporation and the City of Roanoke, providing for the acquisition and installation of certain equipment by the City; such Amendment providing for the extension of the disbursement date in the Escrow Agreement from January 14, 2002, to July 14, 2002.

(For full text of Resolution, see Resolution Book No. 65, page 348.)

Mr. Bestpitch moved the adoption of Resolution No. 35704-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Hudson, Bestpitch, Wyatt  
and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Harris was absent.) (Council Member White was out of the Council Chamber when the vote was recorded.)

## **REPORTS OF COMMITTEES:**

**COMMITTEES-ARCHITECTURAL REVIEW BOARD:** A report of the Architectural Review Board advising that the Board adopted the current Architectural Design Guidelines in June, 1995; the Board amended the guidelines in July, 2000, to incorporate specific guidelines for retaining walls, which were developed following an extensive public involvement process and work with neighborhood groups; the purpose of the guidelines is to assist both property owners and the ARB in making consistent and appropriate decisions on construction materials and methods in historic districts; the guidelines are recommendations rather than City Code requirements, therefore, they provide for flexibility in dealing with special circumstances and materials; and each architectural review case is decided on its own merits, was before Council.

It was further advised that historic districts are a part of the zoning ordinance and “overlay” the existing zoning that guides land use; Roanoke has two historic overlay districts: the H-1, Historic District, and the H-2, Neighborhood Preservation District; the H-1 District is generally limited to portions of downtown, including the City Market and Warehouse Row; the H-2 District covers a wider territory that includes Old Southwest, portions of Gainsboro, N. E., and Patterson Avenue, S. W.; and the H-1 guidelines stress restoration and are generally more stringent than the H-2 guidelines, which stress compatibility of design.

It was explained that in October, 2000, planning staff sponsored a community workshop to review the H-2 guidelines; approximately 50 citizens attended; participants were requested to review each of the 349 guidelines and indicate whether they agree or disagree, and results are as follows:

- 257 guidelines had 90-100% in agreement
- 70 guidelines had 80-89% in agreement
- 18 guidelines had 70-79% in agreement
- 3 guidelines had 62-69% in agreement;

The Architectural Review Board recommended that Council adopt a resolution endorsing Architectural Review Guidelines, as amended, for the H-1 and H-2 Districts.

Robert B. Manetta, Chair, Architectural Review Board, appeared before Council in support of the recommendation.

Mr. Carder offered the following resolution:

**(#35705-010702) A RESOLUTION endorsing Architectural Design Guidelines for the H-1, Historic District, and the H-2, Neighborhood Preservation District.**

**(For full text of Resolution, see Resolution Book No. 65, page 349.)**

**Mr. Carder moved the adoption of Resolution No. 35705-010702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**UNFINISHED BUSINESS: None.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

**DIRECTOR OF FINANCE: Mr. Carder offered the following resolution appointing Jesse A. Hall as Director of Finance, effective at midnight on January 31, 2002, or as soon thereafter as Mr. Hall can assume such position, for a term ending on September 30, 2002:**

**(#35706-010702) A RESOLUTION electing and appointing Jesse A. Hall as Director of Finance for the City of Roanoke, and ratifying the terms and conditions of employment as offered to Mr. Hall.**

**(For full text of Resolution, see Resolution Book No. 65, page 350.)**

**Mr. Carder moved the adoption of Resolution No. 35706-010702. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**COMMITTEES-INDUSTRIES:** Mr. Carder offered the following resolution appointing Charles A. Hunter, III, as a Director of the Industrial Development Authority:

**(#35707-010702) A RESOLUTION** appointing a Director of the Industrial Development Authority of the City of Roanoke, to fill the remaining portion of a four (4) year term on its Board of Directors.

(For full text of Resolution, see Resolution Book No. 65, page 352.)

Mr. Carder moved the adoption of Resolution No. 35707-010702. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES:** Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Harris was absent.)

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**POLICE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT:** Council Member Wyatt commended Roanoke City Police Officers on their patriotic conduct during the Pledge of Allegiance to the Flag at Roanoke Express Hockey games at the Roanoke Civic Center.

**CITY MANAGER COMMENTS:**

**REFUSE COLLECTION-CITY EMPLOYEES-PUBLIC WORKS-STREETS AND ALLEYS:** The City Manager commended City staff on the condition of City streets which were well maintained during and following the snow/ice occasion on Sunday, January 6, 2002.

The City Manager requested that citizens be mindful of the fact that when a City holiday occurs on a Monday, refuse collection could be delayed by as much as one to two days in the same week. She called attention to the Dr. Martin Luther King, Jr. Holiday, which will be observed by City employees on Monday, January 21; therefore, refuse collection will be delayed by at least one day during the week of

January 21.

At this point, the Mayor stated that RVTv, Channel 3, coverage of the Council meeting will be concluded.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council. He further advised that this is a time for informal dialogue by Council and citizens.

**FIRE DEPARTMENT-CITY COUNCIL-HOUSING/AUTHORITY:** Ms. Helen E. Davis, 35 Patton Avenue, N. E., referred to Council's Rules of Procedure which require that there be no cheering, jeering, or applauding, except during ceremonial matters, during the Council proceedings. She inquired if the rule is applied uniformly to all citizens, regardless of race. She expressed appreciation to Council Member Bestpitch for meeting with residents of Lincoln Terrace to hear their concerns, specifically with regard to screen doors on housing units. She expressed concern with regard to the closing/proposed closing of certain fire stations in the City. Specifically, she stated that Fire Station No. 12 is closed, while the Clearbrook Fire Station in Roanoke County is operational, and many citizens believe that the City of Roanoke should take care of its own citizens before venturing into Roanoke County. She requested that Council give further study to the closing/proposed closing of certain City fire stations.

At 3:15 p.m., the Mayor declared the meeting in recess for two closed sessions.

At 4:00 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Harris.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**OATHS OF OFFICE-COMMITTEES-LEAGUE OF OLDER AMERICANS: : The Mayor advised that the term of office of Vickie F. Briggs as a member of the League of Older Americans Advisory Board will expire on February 28, 2002, and called for nominations to fill the vacancy.**

**Ms. Wyatt placed in nomination the name of Vickie F. Briggs.**

**There being no further nominations, Ms. Briggs was reappointed as a member of the League of Older Americans Advisory Board, for a term ending February 28, 2003, by the following vote:**

**FOR MS. BRIGGS: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**(Council Member Harris was absent.)**

**OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT-FIFTH PLANNING DISTRICT COMMISSION: The Mayor advised that the term of office of Glenn D. Radcliffe as the City's representative to the Fifth Planning District Disability Services Board will expire on January 31, 2002, and called for nominations to fill the vacancy.**

**Ms. Wyatt placed in nomination the name of Carol D. Wright.**

**There being no further nominations, Ms. Wright was appointed as the City's representative to the Fifth Planning District Disability Services Board, for a term ending January 31, 2005, by the following vote:**

**FOR MS. WRIGHT: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**(Council Member Harris was absent.)**

**OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA TECH: The Mayor advised that there is a vacancy on the Hotel Roanoke Conference Center Commission, effective February 1, 2002, created by the resignation of James D. Grisso, and called for nominations to fill the vacancy.**

**Mr. Hudson placed in nomination the name of Mayor Ralph K. Smith.**

**There being no further nominations, Mayor Smith was appointed as a member of the Hotel Roanoke Conference Center, to fill the unexpired term of James D. Grisso, resigned, commencing February 1, 2002 and ending April 12, 2004, by the following vote:**

**FOR MAYOR SMITH: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.**

**(Council Member Harris was absent.)**

**COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: It was the consensus of Council that the following persons will be appointed to serve on an ad hoc committee to study the design, role and responsibilities of the Roanoke Neighborhood Partnership Steering Committee:**

**Vice-Mayor William H. Carder  
Council Member William D. Bestpitch  
Assistant City Manager for Operations, Rolanda A. Johnson  
Roanoke Neighborhood Partnership Coordinator, Stephen S. Niamke  
Chair, Roanoke Neighborhood Partnership Steering Committee,  
Carl D. Cooper  
Roanoke Neighborhood Partnership Steering Committee Members,  
Robin Murphy-Kelso and Paula L. Prince.**

**At 4:05 p.m., the Mayor declared the meeting in recess to be reconvened on Thursday, January 10, 2002, at 12:00 noon at the Salem Civic Center, Parlor C, 1001 Roanoke Boulevard, Salem, Virginia, for the Roanoke Valley Leadership Summit Luncheon, to be hosted by the City of Salem.**

**The meeting of Roanoke City Council reconvened on Thursday, January 10, 2002, at 12:00 noon at the Salem Civic Center, Parlor C, 1001 Roanoke Boulevard, City of Salem.**

**PRESENT: Council Members William D. Bestpitch, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----3.**

**ABSENT: Council Members William H. Carder, C. Nelson Harris, William White, Sr., and Linda F. Wyatt-----4.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; and Mary F. Parker, City Clerk.**



**COUNCIL-LEADERSHIP SUMMIT:** The purpose of the reconvened meeting was to participate in the Roanoke Valley Leadership Summit which was hosted by the City of Salem. In January 2001, the City of Roanoke hosted the First Leadership Summit which was established to provide an opportunity for members of the governing bodies and administrative officials of the Roanoke Valley to discuss matters of mutual interest and concern.

On behalf of the City of Salem, Forest Jones, City Manager, welcomed all participants.

Mayor Carl E. Tarpley, Jr., welcomed elected and administrative officials and advised that the City of Salem is pleased to host the Fifth Leadership Summit. He noted that Franklin County is scheduled to host the next meeting.

A film was presented showcasing accomplishments of the City of Salem during the past year.

Salem City Council Member, Alex Brown, presented the invocation.

Following lunch, the meeting reconvened at approximately 12:50 p.m., at which time a film highlighting services provided by the City of Salem was shown.

The meeting was then turned over to Mayor Smith who facilitated an exercise on the next steps for the Leadership Summit/items for regional cooperation; whereupon, the following suggestions were offered:

Communication is important to the process.

By working with jurisdictions in the Roanoke Valley that have not previously joined forces gives the localities strength when they approach the General Assembly for assistance.

The Leadership Summits have provided a way to build relationships.

There is a need to meet more frequently than on a quarterly basis. The chief elected official and the chief administrative official of each locality could meet monthly to develop an agenda/work items that could be brought back to the full Leadership Summit for its quarterly meetings.

Wayne Strickland, Executive Director, Roanoke Valley-Allegheny Regional Commission, offered the services of the Roanoke Valley-Allegheny Regional Commission to coordinate monthly meetings of chief elected officials and chief administrative officials; whereupon, following discussion, it was the consensus of

those in attendance that the Roanoke Valley-Allegheny Regional Commission will coordinate monthly meetings of the chief elected officials and the chief administrative officials.

There being no further business, the meeting was adjourned at 1:30 p.m.

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

\_\_\_\_\_

**Ralph K. Smith**  
**Mayor**